

I enjoy technology. I use it in my work, and it often forms a large part of my recreation. I have a strong sense of ethics and I believe that providers of arts have a right to payment for use. However I also have a strong sense of justice and I believe in the rights of the consumer to have fair use of the work. Given this, I am seriously concerned about the proposed Broadcast Flag. With current levels of technology, there are few ways for entertainment providers to interfere with consumers' fair use rights. Those who abuse the system can be dealt with through legal means. I believe this is as it should be: the consumer has choice and control; he can excerpt from or modify existing works, creating new media, or using old media in unforeseen, innovative ways. However, it seems to me that the only purpose of the broadcast flag is to curtail consumers' fair use rights -- it will not provide the media copyright owner with any additional protection against abusers. This will negatively affect my ability to use and enjoy content as I see fit within the law.

The broadcast flag would give copyright owners too much control over how consumers (and other content creators) use the content. By allowing the copyright owner to have veto power over any use of the content, it becomes impossible for someone who is creative to come up with a new way to use the content. In the current situation, most everything is permissible -- the exceptions are those prohibited by law, or by inherent limitations in the way the content is delivered. The "broadcast flag" would turn this situation on its head: nothing would be permissible, except those usages that the copyright owner chose in advance to tolerate. This would have a stifling effect on innovation, which by definition is a thought that has not previously existed. There is no way for a copyright owner to approve some activity in advance of its conception.

I understand why copyright owners are worried about abuse of their works. But if the FCC agrees that abuse might be a problem, the FCC should work to prevent that abuse. A broadcast flag will not serve to prevent abuse -- those who wish to steal content and sell it for their own profit will still do so. A determined pirate is not hindered in any way by the current laws forbidding unfair copying, nor would he be hindered in the future by proposed regulations forbidding "broadcast flag" tampering. The FCC needs to consider the effect of the broadcast flag on the fair use rights of the consumer (a serious encroachment on their rights) and the extra protection afforded to the copyright owner (practically none).

The FCC's mission is to serve the American public and act as steward of their ownership of the airwaves. I believe that defending the rights of the consumer (and their ability to use transmitted content) is a higher goal than allowing copyright owners to have a technological means to restrict lazy abusers. If the copyright owners wish to stop current abuse of their products, they should pursue the abusers under existing laws, not by forcing everyone to switch to a new, incompatible, and rights-limiting system.